IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

RP.No. 16 of 2007(Y)

AGAINST THE JUDGEMENT/ORDER IN WPC.4612/2006 Dated 30/11/2006

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REVIEW PETITIONER/5TH RESPONDENT

SAMUELKUTTY, S/O.GEORGE,
CHIRAKKUMMEL KIZHAKKU PUTHEN VEETTIL,
KADAPPA MURI, MYNAGAPPALLY, QUILON DISTRICT.

BY ADV. SRI.R.KRISHNA RAJ

RESPONDENTS: PETITIONER & RESPONDENTS 1 TO 4

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1. BABY JOSEPH, PROPRIETOR,
JAWAN RUBBERS, KUREEKKAL VEEPATTU HOUSE,
THAMARACHAL, KIZHAKKAMBALAM P.O.,
ERNAKULAM DISTRICT.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

3. JYOTHI ABRAHAM, PROPRIETOR,
PERFECT RUBBERS, OMATHIL HOUSE,
AMAYANOOR P.O., KOTTAYAM.

4. ABRAHAM KURIAKOSE,
MANAGER, PERFECT RUBBERS, OMATHIL HOUSE,
AMAYANOOR P.O., KOTTAYAM.

5. GEORGE.C.A., S/O.ANDREWS,
CHIRATHALAKATTU GEO VILLA,
ITHITHANAM P.O., CHANGANASSERY TALUK,
KOTTAYAM DISTRICT.

BY ADVS. SRI.B.GOPAKUMAR, SMT.CHINCY GOPAKUMAR
SRI.ASWIN GOPAKUMAR
SRI.ANWIN GOPAKUMAR
SMT.KOCHUMOL KODUVATH
R2 BY GOVERNMENT PLEADER SRI. GIKKU JACOB

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 10/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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R.P.No. 16 of 2007

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Dated this the 10th day of January, 2007

O R D E R

This petition is to review the judgment passed by this court on 30.11.2006 in Writ Petition No. 4612 of 2006. As per the said judgment transfer of some cases under Section 138 of the N.I. Act was directed on the consent of all concerned. The impugned judgment shows clearly that it is an order on consent by counsel for the parties.

2. Petitioner, who is the 5th respondent in the writ petition and one of the complainants, has now come with this review petition. The crux of the contention is that the petitioner's case is not liable to be transferred. The transfer operates to his prejudice and he is obliged to travel a long distance on account of the transfer. Significantly there is not a semblance of an explanation as to how it was conceded that the transfer can be directed as prayed for. At the Bar there is an apology of an attempt made to explain that the counsel who was appearing himself was not present and he was represented by some one else. Even that submission is not made in the review

petition. I am, in these circumstances, satisfied that the review petition is totally without merit and deserves to be dismissed.

3. The Review Petition is accordingly dismissed.

(R. BASANT)
Judge

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